



A publication of Fairfax County, Virginia

Effective: June 26, 2006

CHAPTER 62

FIRE PROTECTION

Article 1. IN GENERAL

Section 62-1-1. Penalty.

Any person, firm or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter, and shall, upon conviction, be punishable by imprisonment not to exceed twelve (12) months or by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. Use of fire apparatus, equipment, etc., within County.

a. It shall be unlawful for any person to operate or cause to be operated upon a public highway or street in the County any vehicle or equipment used, intended to be used or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized fire fighting company of the County.

b. For the purpose of this Section, a recognized fire fighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.

c. This Section shall not apply to the operation of fire fighting vehicles and equipment owned by any fire fighting company outside of the County when such vehicle or equipment is traveling in or through the county for parade or other non-fire fighting purposes or in response to a call from the County fire alarm headquarters.

Section 62-1-3. Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at anytime, or to injure, or attempt to injure or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Section 62-1-4. Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest or to sound any warning device thereon or to manipulate, tamper with, or destroy or attempt to manipulate, tamper with, or destroy any lever, valve, switch, starting device, brake, pump or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

Article 2. FIRE MARSHAL

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal - creation of office; appointment; powers and duties generally; salary.

The Office of County Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter. He shall receive such annual salary as the Board of Supervisors may allow.

Section 62-2-2. Same--tenure.

The County Fire Marshal shall not be appointed for a definite tenure, but shall continue contingent upon and subject to the personnel rules of the County.

Section 62-2-3. Oaths of fire marshal and members of his staff.

The County Fire Marshal, Deputy County Fire Marshal and members of the Fire Marshal's staff, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office.

Section 62-2-4. Investigation of fires.

The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature or which involves the loss of life or causes injury to persons or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the fire. The Fire Marshal shall

take charge immediately of the physical evidence and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure or premises until such evidence has been properly processed. The County Police Department, upon request of the County Fire Marshal, shall assist in the investigation as needed. The results of any such investigation shall be forwarded, by the Fire Marshal, to the Commonwealth's Attorney for proper disposition.

Section 62-2-5. Powers of arrest

The Fire Marshal and all members of the Fire Marshal's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summoning of fire or rescue equipment without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses.

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax, Virginia shall be enforced by the County Fire Marshal, and, under the authority of the Fire Marshal, by the Deputy County Fire Marshal and members of the Fire Marshal's staff. The Fire Marshal, the Deputy Fire Marshal, and members of the Fire Marshal's staff shall have all of the powers of the local fire official and the local arson investigator and the local fire marshal and his assistants set forth in Title 27 of the Code of Virginia, and all of the powers of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax, Virginia.

Section 62-2-7. Fairfax County Fire Prevention Code.

The regulations set forth herein shall be known as the Fire Prevention Code of the County of Fairfax Virginia, and shall be herein referred to as such or as this Code.

Section 62-2-8. Amendments, additions, deletions to the Virginia Statewide Fire Prevention Code.

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia in the following respects:

104.1. Local and state enforcement. Add the following at the end of the existing Subsection: The provisions of the Virginia Statewide Fire Prevention Code and this Code shall be enforced by the Office of the Fire Marshal, also herein referred to as the

Fire Marshal's Office, the Fire Marshal, members of the Fire Marshal's staff, the Fire Prevention Division, code official, or the fire official.

106.1.1. Impersonation. Add Subsection 106.1.1 as follows: It shall be unlawful for any unauthorized person to use a badge, uniform or any other credentials so as to gain access to any building, marine vessel, vehicle or premises or to otherwise falsely identify himself as the fire official or his designated representative.

106.3.2. Inspection by others. Add Subsection 106.3.2 as follows: The chief of the Fire Department may designate such other persons as he deems necessary, to make fire safety inspections. Such persons shall use the Virginia Statewide Fire Prevention Code and this Code as the basis for such inspections.

106.5. Modifications. Delete and substitute: Modifications. The fire official shall have the power to modify any provision or requirement of this Code, upon written application by the owner, lessee, occupant or their legal representative, when there is practical difficulty in meeting the strict letter of the Code. However, in all cases of modification, the spirit and intent of the Code shall be met to ensure the health, safety and welfare of persons is protected.

106.8. Notification. Add Section 106.8 as follows:

106.8.1. Responsibility. Add Subsection 106.8.1 as follows: It shall be the responsibility of the fire department officer-in-charge, or his designee, to file with the Chief of the Fire Department, in such form as he shall prescribe, a report of every fire, explosion, or incident to which apparatus or equipment responds. Such reports shall be filed at such time and location prescribed by the Chief of the Fire Department.

106.8.2. Summoning the Fire Marshal. Add Subsection 106.8.2 as follows: The fire department officer-in-charge of any fire, explosion, or incident scene shall immediately summons the Fire Marshal to such scene to investigate the circumstances involved where such circumstances require investigation as outlined in Section 62-2-4 of this Code.

106.8.3. Notification of fire department. Add Subsection 106.8.3 as follows: In any building subject to inspection under any provision of this Code, when a fire or evidence of there having been a fire is discovered, even though it has apparently been extinguished, it shall be immediately reported to the Chief of the Fire Department, or his

designee. This shall be the duty of the owner, manager, or person in control of such building at the time of discovery. This requirement shall not be construed to forbid the owner, manager, or person in control of said building from using all diligence necessary to extinguish such fire prior to the arrival of the fire department.

Index	TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS		Flat Fee	Hourly Fee
	SECTION 1 - DETAILED OPERATIONAL PERMIT REQUIREMENTS			
108.1.1	Aerosol Products, Level 2 or 3: Storage, Use or Handling 501+ Pounds		\$100	
108.1.1	Amusement Buildings		\$100	
108.1.1	Aviation Facilities (Groups H & S): Aircraft Servicing/Repair and Fuel Servicing Vehicles		\$100	
108.1.1	Carnivals, Fairs and Outdoor Public Assemblages (30 Day Permit)		\$100	
108.1.1	Battery Systems: Stationary Lead Acid 51+ Gallons Capacity		\$100	
108.1.1	Cellulose Nitrate (pyroxylin plastic): Assembly or Manufacturing of Articles Involving Any Amount		\$100	
108.1.1	Cellulose Nitrate (pyroxylin plastic): Storage & Handling 26+ Pounds		\$100	
108.1.1	Combustible Dust-Producing Operations (1 Year Permit)		\$100	
108.1.1	Combustible Fibers: Storage & Handling 101+ Cubic Feet (1 Year Permit)		\$100	
108.1.1	Compressed Gas: Storage, Use or Handling 201+ Cubic Feet Corrosive		\$100	
108.1.1	Compressed Gas: Storage, Use & Handling 201+ Cubic Feet Flammable		\$100	
108.1.1	Compressed Gas: Storage, Use & Handling Any Quantity Toxic or Highly Toxic		\$100	
108.1.1	Compressed Gas: Storage, Use & Handling 6001+ Cubic Feet Simple Asphyxiant or Inert		\$100	
108.1.1	Compressed Gas: Storage, Use & Handling 505+ Cubic Feet Oxidizing (Includes Oxygen)		\$100	
108.1.1	Cryogenic Fluids: Produce, Store, Use or Dispense Inside 1+ or 61 + Gallons Outside Flammable		\$100	
108.1.1	Cryogenic Fluids: Produce, Store, Use or Dispense Inside 61+ Gallons, Outside 501+ Gal. Inert		\$100	
108.1.1	Cryogenic Fluids: Produce, Store, Use or Dispense Inside 11+ Gallons, Outside 51+ Gal Oxidizing		\$100	
108.1.1	Commercial Kitchen Operation (Exception: Assembly/Educational Occupancies having an FPCP)		\$100	
108.1.1	Dry Cleaning Plant - Type II Utilizing Class II Solvents (1 Year Permit)		\$100	
108.1.1	Dry Cleaning Plant - Type III Utilizing Class IIIA & IIIB Solvents (1 Year Permit)		\$100	
108.1.1	Dry Cleaning Plant - Type IV & V		\$100	
108.1.1	Explosives: Blasting, Each Site or Location (6 Month Permit)		\$150	
108.1.1	Explosives: Transportation, Each Vehicle (6 Month Permit)		\$50	

Index	TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat	Hourly
		Fee	Fee
108.1.1	Explosives: Firm or Company License (1 Year Permit)	\$50	
108.1.1	Explosives: Storage & Display of Black Powder or Smokeless Propellant Indoors, (1 Year Permit)	\$100	
108.1.1	Explosives: Approved Overnight Storage, Any Quantity (1 Day Permit)	\$500	
108.1.1	Explosives: Laboratory Use, Any Quantity (6 Month Permit)	\$100	
108.1.1	Flammable Liquids: Store, Use or Handle Inside 6+ Gallons Class I or 11+ Gallons Class I outside	\$100	
108.1.1	Combustible Liquids: Store, Use or Handle Inside 26+ Gallons Class II or IIIA or 61+ Gallons Class II or IIIA outside	\$100	
108.1.1	Combustible Liquids: Store, Use or Handle Outside 61+ Gallons Class II or IIIA	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Only	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Underground Storage Utilizing Dispensing Equipment	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Above-ground Storage Only	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Above-ground Storage Utilizing Dispensing Equipment	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Storage / Dispensing on Construction Sites (90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility - 100,000+ Gallons (1 Year Permit)	\$500	
108.1.1	Flammable/Combustible Liquid Tank - Installation, Above- or Below-ground Tank (90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Alter or Relocate an Existing Tank (90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Placed Temporarily Out of Service (1 Year Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Underground Abandonment (90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Commercial - 90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Underground Removal (Residential -90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquid Tank - Above-ground Removal (Commercial - 90 Day Permit)	\$58	
108.1.1	Flammable/Combustible Liquid Tank - Install Product Lines/Dispensing Equipment (90 Day Permit)	\$100	
108.1.1	Flammable/Combustible Liquids: Processing or Blending	\$200	
108.1.1	Floor Refinishing/Surfacing of 351+ Square Feet with Flammable Liquids (30 Day Permit)	\$50	
108.1.1	Fruit- & Crop-Ripening Facility Using Ethylene Gas	\$100	
108.1.1	Fumigation & Thermal Insecticidal Fogging - Inside Any Structure (15 Day Permit)	\$100	
108.1.1	Corrosive Liquids: Store, Use, Handle or Dispense 51+ Gallons	\$100	
108.1.1	Corrosive Solids: Store, Use, Handle or Dispense 1001+ Pounds	\$100	

Index	TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat	Hourly
		Fee	Fee
108.1.1	Flammable Solids: Store, Use, Handle or Dispense 11+ Pounds	\$100	
108.1.1	Highly Toxic Liquids: Store, Use, Handle or Dispense Any Amount (1 Year Permit)	\$100	
108.1.1	Highly Toxic Solids: Store, Use, Handle or Dispense Any Amount (1 Year Permit)	\$100	
108.1.1	Oxidizing Liquids, Class 4: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Oxidizing Liquids, Class 3: Store, Use, Handle or Dispense 1+ Gallons	\$100	
108.1.1	Oxidizing Liquids, Class 2: Store, Use, Handle or Dispense 10+ Gallons	\$100	
108.1.1	Oxidizing Liquids, Class 1: Store, Use, Handle or Dispense 55+ Gallons	\$100	
108.1.1	Oxidizing Solids, Class 4: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Oxidizing Solids, Class 3: Store, Use, Handle or Dispense 10+ Pounds	\$100	
108.1.1	Oxidizing Solids, Class 2: Store, Use, Handle or Dispense 100+ Pounds	\$100	
108.1.1	Oxidizing Solids, Class 1: Store, Use, Handle or Dispense 500+ Pounds	\$100	
108.1.1	Organic Peroxides, Liquid, Class I: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Organic Peroxides, Liquid, Class II: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Organic Peroxides, Liquid, Class III: Store, Use, Handle or Dispense 1+ Gallons	\$100	
108.1.1	Organic Peroxides, Liquid, Class IV: Store, Use, Handle or Dispense 2+ Gallons	\$100	
108.1.1	Organic Peroxides, Solid, Class I: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Organic Peroxides, Solid, Class II: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Organic Peroxides, Solid, Class III: Store, Use, Handle or Dispense 10+ Pounds	\$100	
108.1.1	Organic Peroxides, Solid, Class IV: Store, Use, Handle or Dispense 20+ Pounds	\$100	
108.1.1	Pyrophoric Material, Liquid: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Pyrophoric Material, Solid: Store, Use, Handle or Dispense Any Amount	\$100	
108.1.1	Hazardous Production Facilities (HPM) (1 Year Permit)	\$100	
108.1.1	High Piled & High-Rack Combustible Storage Inside a Structure Utilizing 501+ Square Feet	\$100	
108.1.1	Hot Work & Welding: Public Exhibitions & Demonstrations (Each Exhibitor/Demo. - 10 Day Permit)	\$50	
108.1.1	Hot Work & Welding: Small Scale Hot Work (Soldering/Brazing With An Open Flame)	\$100	
108.1.1	Hot Work & Welding: Fixed-Site Hot Work Equipment (Welding Booth)	\$100	
108.1.1	Hot Work & Welding: Cutting & Welding All Locations(1 year Permit)	\$100	
108.1.1	Hot Work & Welding: Torch-Applied Roofing Operation (Each Site/Location - 90 Day Permit)	\$100	

<i>Index</i>	<i>TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</i>	<i>Flat</i>	<i>Hourly</i>
		<i>Fee</i>	<i>Fee</i>
108.1.1	Hot Work & Welding: Paint Removal With a Torch or Open-Flame (Each Site/Location - 30 Day)	\$50	
108.1.1	Industrial Ovens	\$100	
108.1.1	Lumber Yards & Woodworking Plants: Storage or Processing of Lumber 100,001+ Board Feet	\$100	
108.1.1	Liquid- or Gas-Fueled Vehicles: Display Inside Any Building	\$100	
108.1.1	LP-Gas: Storage, Use and Handling Inside Any Structure - Any Amount (Other Than Residential)	\$100	
108.1.1	LP-Gas: Storage, Use and Handling Outside - Any Amount (Other Than Cylinder Exchange/Refill)	\$100	
108.1.1	LP-Gas: Dispensing & Cylinder Refill Location	\$100	
108.1.1	LP-Gas: Retail Cylinder Exchange Location	\$100	
108.1.1	Combustible Storage: Storage Inside or Upon Any Premises - 2501+ Cubic Feet	\$100	
108.1.1	Open Burning: Bonfire (10 Day Permit)	\$100	
108.1.1	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	\$100	
108.1.1	Open Flame & Candles: Public Meetings/Gatherings in E & A Groups (Each Event)	\$50	
108.1.1	Open Flame & Candles: Restaurants & Drinking Establishments, Assembly & Dining Areas	\$50	
108.1.1	Organic Coatings: Manufacturing Operation Producing 1+ Gallons in 1 Day (1 Year Permit)	\$100	
108.1.1	Place of Assembly/Education - Occupant Load 50 or greater	\$100	
108.1.1	Pyrotechnics & Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
108.1.1	Pyrotechnics & Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	\$600	
108.1.1	Pyrotechnics & Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (1 Day Permit)	\$400	
108.1.1	Pyrotechnics & Fireworks: Indoor Pyrotechnic Display and Special Effects (1 Day Permit)	\$400	
108.1.1	Refrigeration Equipment	\$100	
108.1.1	Repair Garages & Service Stations: Automotive Repair Garage Only	\$100	
108.1.1	Repair Garages & Service Stations: Automotive Service Station Only	\$100	
108.1.1	Repair Garages & Service Stations: Automotive Repair Garage & Service Station	\$100	
108.1.1	Repair Garages & Service Stations: LP-Gas Motor-Vehicle Fuel-Dispensing	\$100	
108.1.1	Repair Garages & Service Stations: Compressed Natural Gas Motor-Vehicle Fuel-Dispensing	\$100	
108.1.1	Repair Garages & Service Stations: Hydrogen Motor Fuel Dispensing & Generation Station	\$100	
108.1.1	Repair Garages & Service Stations: Marine & Watercraft Service Station	\$100	
108.1.1	Repair Garages & Service Stations: Unattended Vehicle Service Station	\$100	

Index	TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat	Hourly
		Fee	Fee
108.1.1	Rooftop Heliports	\$100	
108.1.1	Spraying/Dipping Operations: Flammable/Combustible Spray Finishing Operation (1 Year Permit)	\$100	
108.1.1	Spraying/Dipping Operations: Flammable/Combustible Dip-Tank Operation (1 Year Permit)	\$100	
108.1.1	Spraying/Dipping Operations: Application of Combustible Powders/Spray/Fluidized (1 Year Permit)	\$100	
108.1.1	Spraying/Dipping Operations: Dual-Component Coatings With Organic Peroxides (1 Year Permit)	\$100	
108.1.1	Swimming Pool Chemical Dispensing Operation	\$100	
108.1.1	Tents, Canopies & Air Supported Structures: Tent, 900+ Square Feet (120 Day Permit)	\$100	
108.1.1	Tents, Canopies & Air Supported Structures: Canopy, 700+ Square Feet (120 Day Permit)	\$100	
108.1.1	Tire Rebuilding Plants	\$100	
108.1.1	Tire Storage: Storage of Scrap Tires & Tire Byproducts - 2501+ Cubic Feet Total Volume	\$100	
108.1.1	Waste Handling: Wrecking Yard or Junk Yard	\$100	
108.1.1	Waste Handling: Waste Material Handling Facility (1 Year Permit)	\$100	
108.1.1	Wood Products: Storage of Chips, hogged Material, Lumber or Plywood - 201+ Cubic Feet	\$100	
SECTION 2 - PLAN REVIEW, FILING AND REGISTRATION FEES			
403.1	Public Safety Plan, Indoor or Outdoor Assemblages (Other than Group A or E Occupancies)		\$96
404.2	Fire Safety & Evacuation Plans		\$96
2301.4	Fire Safety & Evacuation Plans: High-Piled or High-Rack Combustible Storage Areas 500+ Sq. Ft.		\$96
107.15	Occupant Load: Plan Review		\$96
2701.6.3	Hazardous Material Facility Closure Plan		\$96
3801.3	Site and Installation Plan: LP-gas Cylinder Exchange Program		\$96
2701.5.1	Hazard Communication: Hazardous Material Management Plan		\$96
2701.5.3	Hazard Communication: Material Safety Data Sheet (MSDS) or SARA Filing Fees per Page	\$1.50	
SECTION 3 - INSPECTION AND TESTING FEES			
107.12	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
107.12	County and State Licensing Fire Inspections (Includes 1 Follow-up Inspection)	\$25	
107.12	Certificate of Occupancy Inspections (Towns of Vienna & Herndon)		\$96
111.3.1	Two or More Follow-up Inspections Resulting From Non-Compliance		\$96

<i>Index</i>	<i>TABLE 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</i>	<i>Flat</i>	<i>Hourly</i>
		<i>Fee</i>	<i>Fee</i>
107.12	Technical Inspection (NOS), (i.e., Pre-Occupancy Punch List - Each Inspector)		\$96
901.6.3	Re-inspection & Testing of Existing Fire Protection Systems (Each Inspector)		\$96
901.6.3.1	Cancellation of Re-inspection & Testing of Existing Fire Protection Sys. (Each Inspector)		\$96

Table 107.2 Operational permit requirements. LP-gas. Storage and use: Delete the exception: "An operational permit is not required for individual containers of less than 500 gallons (1893 L) water capacity serving occupancies in Use Group R-3."

107.4.1. Duration of permit. Insert subsection 107.4.1 as follows: Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with the code.

107.5. Conditions of permit. Insert the following words on the fourth line after the words "Permits are not transferable": "from one address to another."

110.2.1. Person, Firm or Corporation Responsible. Add Subsection 110.2.1 as follows: A person, firm or corporation in charge of or responsible for any building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical or condition regulated either by this code or by an ordinance under the Fire Marshal's jurisdiction shall be responsible for compliance with all such code and ordinance provisions and regulations relating thereto.

110.5.1. Imminent threat to human health or safety or to property. Add Subsection 110.5.1 as follows: If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

113.1. Follow-up Inspections Resulting From Noncompliance: Where two or more follow-up inspections are required as a result of noncompliance with this Code, fees for the reinspections shall be assessed as listed under Table 107.2.

202.0. General Definitions. Add to Section 202.0, the following words, terms and meanings:

The Fire Chief or Chief of the Fire Department: The head of the County Fire Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire Department.

Fire Lanes: An area designated by clearly visible signs in which parking shall be prohibited, whether on public or private property, to ensure ready access for and to fire fighting and rescue equipment and facilities.

Fire Marshal's Office: The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division or the fire official.

Immediately: The term "immediately" shall mean without delay.

Legal officer: County Attorney or the Commonwealth's Attorney for the County of Fairfax.

Occupant: Any person physically located or situated in or on any property, structure, space or vehicle irrespective of the length of time or the reason for such occupancy.

304.2.1. Handling readily combustible materials. Add Subsection 304.2.1 as follows: No person producing, using, storing, or having charge of or under their control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall fail nor neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories and other buildings where accumulations of paper and waste materials are not removed at least every day.

307.2. Permit required. Delete and substitute the following: If under the requirements of the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official. This permit requirement does not apply to campfires, fire used for the cooking of food, the training of firefighters under the direction of the Chief of the Fire Department, or fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

307.5. Endangering other property. Add Subsection 307.5 as follows: No person shall kindle nor authorize to be kindled nor maintain any permitted fire in such a manner that will endanger the property of another.

307.6. Negligence. Add Subsection 307.6 as follows: If any person shall carelessly or negligently set fire to or burn or cause to be burned any property either real or personal, whether the property of himself or of another, he shall be subject to the penalties of this Code as set forth in Section 62-1-1 of this Code.

308.3.1. Delete and substitute: Cooking devices. No charcoal cooker, brazier, hibachi or grill or any gasoline or other flammable liquid or liquefied petroleum gas-fired stove or similar device shall be ignited or used on the balconies or within 15 feet of any

apartment building or other structures with similar occupancy. The management of such occupancies which have balconies shall notify their tenants in writing of this Code requirement when the tenant initially occupies the apartment and periodically thereafter as may be necessary to ensure compliance.

308.3.1.1. Approved cooking devices. Add Subsection 308.3.1.1 as follows: Cooking devices listed under Section 308.3.1 using either electric or natural gas as a fuel source and listed by a recognized testing authority will be exempt from the prohibitions listed in 308.3.1. The cooking device shall also be designed or approved for the use of lava rocks or permanent briquettes only.

308.3.1.2. Cooking device storage. Add Subsection 308.3.1.2 as follows: The storage of cooking devices using flammable or combustible liquids or liquefied petroleum gas (LPG) as a fuel source shall be prohibited inside of, on any balcony of, or within 15 feet of, any apartment building or other structure with similar occupancy. Other cooking devices prohibited by Section 308.3.1 shall not be stored or located on balconies or patios of any apartment building or other structure with similar occupancy.

308.4. Torches for the removal of paint. Add the following words to the title: "or sweating pipe joints."

308.4.1. Approval. Add the following: or for sweating pipe joints in any building or structure.

308.4.2. Sweating joints. Add the following Subsection 308.4.2: Any person using a torch or other flame producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done an approved fire extinguisher or water hose connected to a water supply. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting or other approved means. In all cases, a fire watch shall remain in the vicinity of the sweating operation for 0.5 hour after the torch or flame producing device has been used.

401.6. Promulgation of fire safety instructions. Add subsection as follows: The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

401.6.2. Elevator warning signs. Add Subsection 401.6.2 as follows: Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE - DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provision of this section.

401.6.3. Posting of signs. It shall be unlawful for the owner of any building which is leased to another, or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs .

408.12. Storage or Display in Roofed-Over Malls. Add Subsection 408.12 as follows: No combustible goods, merchandise or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire official.

503.1.1. Fire lanes. Delete and substitute as follows: The fire official shall designate fire lanes on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for fire fighting and rescue apparatus. Fire lanes shall have a minimum width of 18 feet (5486mm).

503.1.1.1. Signs and Markings. Add Section 503.1.1.1: The property owner or designee shall supply and install signs and other required markings to delineate fire lanes as directed by the fire official.

503.1.1.2. Specifications. Add Section 503.1.1.2 as follows: Fire lanes shall conform to the following specifications:

1. Approved fire lane signs must meet the following specifications:
 - a. Metal construction, dimensions 12 inches by 15 inches.
 - b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.
 - c. Lettering size to be as follows:

"NO PARKING" 2 inches
 "OR" 1 inch
 "STANDING" 2 1/2 inches
 arrows 1 inch solid
 Spacing between words to be uniform
 - d. Other type signs or markings as approved by the fire official.
2. Signs shall be posted at intervals and at a height above the finished grade as directed by the fire official.
3. Curbing shall be painted yellow within the limits of the fire lane.

503.4. Obstructions. Delete and substitute.

1. It shall be unlawful for any person to park, stop, stand or otherwise obstruct such designated and marked area.
2. In any prosecution under this section, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this Code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute a prima facie evidentiary presumption that such

registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred.

3. In addition, the vehicle parked in violation of this section may be impounded by the Fairfax County Police Department and held until the penalty provided and the towing and storage charges incurred are paid.

4. This section shall be enforced by the County Fire Marshal's Office and the County Police Department.

5. Any violation of this section shall be punishable as a traffic infraction.

503.4.1. Add Subsection 503.4.1 as follows: It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this Code.

503.7. Carnival and circus access. Add Section 503.7 as follows: It shall be the responsibility of the owner, operator or other person responsible for the establishment, erection or operation of any carnival or circus to establish, erect and operate such carnival or circus so that there is provided and maintained an access lane, at least 18 feet in width and capable of supporting fire and rescue apparatus in all weather conditions and so arranged as to afford access to within 50 feet of all booths, tents, rides and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

504.2.1. Showcases or temporary displays. Add subsection 504.2.1 as follows: Showcases or temporary displays placed, piled, or installed so as to obstruct any exterior door shall be prohibited unless approved by the fire official.

506.1. Fire department building access. Delete and substitute: All buildings with the exception of single-family dwellings shall provide a fire department access system as approved by the fire official.

506.2. Number and labeling of required keys. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this code; and all to storage, trash and utility rooms, roof access doors and doors to other secured areas. In all other buildings required to provide fire department access, 8 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

506.2.1. Non-required fire department access boxes. Voluntarily provided fire department access boxes shall contain one key to access the premises served, and other keys as determined by the owner or occupant. All keys shall be clearly labeled as to function.

508.5.5. Clear space around hydrants and fire department connections: Add Subsection 508.5.5 as follows: No person shall plant or erect any obstruction within 4 feet of any fire hydrant or 10 feet of any fire department connection.

509.2. Fire command center. Add Subsection 509.2 as follows: All buildings equipped with a fire command center shall contain an operations procedure book. The contents of the book shall be approved by the fire official. The book shall be placed in the fire command center in a manner and location approved by the fire official. The owner shall maintain the book and update it whenever necessary.

601.2. Permits. Insert the following after the words "battery systems": and for the operation of commercial kitchen hoods as set forth in table 107.2. Delete the remainder of the subsection.

803.3.3. Furniture, furnishings and displays. Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.

Exception: Furniture, furnishings, displays and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72 inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.

805.1. General. Insert the following before the first sentence: Flammable materials such as paper, cotton batting, straw, cut or dry vines, leaves, trees, artificial flowers or shrubbery, and foam plastic materials shall not be used for decorative purposes in show windows, building lobbies, exits or exit access or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard.

901.6. Inspection, testing and maintenance. Add the following to the third line after the word constructed: "or voluntarily installed."

901.6.3. Periodic retests. Add subsection 901.6.3 as follows: Periodic inspections and tests required under this Chapter shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

901.6.3.1. Reinspection and testing fees. Add Subsection 901.6.3.1. Fees for the reinspection and testing of existing fire protection equipment and systems shall be assessed as listed under Section 107.2.

901.8. Tampering. Add the following to the second line after the word with: damage, destroy or use without just cause or authorization Add the following to the fifth line after the word code: or installed in any building or structure within the County.

901.9. Hydrants and water mains. Add Subsection 901.9 as follows: It shall be unlawful for any person to use, tamper with damage or destroy any fire hydrant, valve or water main within the County, except that fire departments may use such hydrants for fire fighting or training purposes. Such hydrants may be used by a person who has obtained a permit for use from the public authority or utility having jurisdiction over these items. A person who has a valid permit shall comply with all policies as outlined on the permit or application.

905.12. Testing. Add the following subsection: All standpipe fire lines in all buildings and structures shall be tested at least every 5 years. In buildings and structures wet and dry pipe systems shall meet the flow demands required at the time of installation or as required by Section 905.2. At the time of the test all control valves, including those inside hose cabinets, shall be operated and then reset in their proper positions to insure the workability of these valves. Wet and dry systems unable to meet the flow requirements at the time of installation or as required by this section shall be required to install automatic fire pumps or tanks if deemed necessary by the fire official for the occupancy of the building.

907.20.6. Faulty alarms. Add Subsection 907.20.6 as follows: Both manual fire alarm systems and automatic fire alarm and suppression systems shall, in addition to the testing required by Section 907.20.2 of the Virginia Statewide Fire Prevention Code and this code, be tested by the owner or occupant whenever faulty alarms in an occupancy exceed 3 in any 3 month period.

1. For the purpose of this section, a faulty alarm is deemed to occur whenever the fire officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. On the next normal workday following the faulty alarm, the responding officer in charge shall cause the Fire Marshal's Office to be notified in writing of the facts and circumstances supporting his determination that faulty equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct a test of a fire alarm or suppression system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the fire official or his designee.
4. Any faulty equipment or systems identified during the test which will reduce the effectiveness of the protection as specified in 907.2 will be recorded and notice of violation prepared and served in accordance with the provisions of SFPC Section F-111.0. The notice of violation will require the repair, abatement or correction of any noted defects, the restoration of the system to normal operative condition and compliance with any law, ordinance or order affecting such alarm system.
5. The notice of violation shall be enforced pursuant to the provisions of SFPC Section 111.0.

1027.3. Obstructions. Add the following sentence at the end of the existing section. No person shall sit or stand or otherwise obstruct any means of egress or element of means of egress.

2701.5. Hazardous material management plan. Insert the following at the end of the first sentence: that includes: a site plan; floor plan; information on hazardous material handling and chemical compatibility; monitoring methods; security precautions; hazard identification; inspection procedures; spill/release prevention measures, spill/release control and emergency response procedures; employee training; and available emergency equipment.

2701.5.3. Filing fee. Add new subsection as follows: A filing fee shall be paid to the fire official for each material safety data sheet (MSDS) or other filing required by the Superfund Amendments and Reauthorization Act (SARA) of 1986. The filing fee shall be as listed in Section 107.2.

2703.3.1. Unauthorized discharges. Add the following to the existing Subsection: 5. Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak or other release of a hazardous material shall immediately report such spill, leak or release to the Fire Marshal and to the Department of Public Safety Communications. The owner and the tenant or other person in control of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment and cleanup and disposal of the hazardous materials to the satisfaction of the fire official. For the purposes of this subsection, the phrase "Person in Control" shall mean any firm, corporation, or person, even a person of low rank or authority, who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical or condition regulated by this code. A person in control includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant or other person.

3301.1. Scope. Insert the word "transportation" to the second line after the word manufacture. Add the following sentence at the end of the existing subsection: The manufacture of explosives in Fairfax County shall be prohibited.

3301.1.6. Manufacturing. Add the following subsection: The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, nor to the assembly of two component explosives for use on site nor to the mix of blasting agents for use on site.

3301.2.3. Vehicle permit. Add new subsection as follows: Each vehicle transporting explosives or blasting agents within the County shall be required to obtain a vehicle permit from the fire official. The permit shall be valid for 6 months and shall be revoked for failure to maintain the vehicle in a safe operating condition. Permit fees shall be as listed in Section 107.2.

3301.2.4. Insurance required for blasting. Delete and substitute the following: Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit, and remains continuously in effect until such operations or activities are completed.

3301.4.1. Certification of blasters. Delete the words: "Exception: The owner of real estate parcels of five or more acres conforming to the definition of 'real estate devoted to agricultural use' or 'real estate devoted to horticulture use' in Va. Code § 58.1-3230 when blasting on such real estate.

3301.4.6. Certification of contractors. Permits for the storage, handling, transportation or use of explosives shall only be issued to those companies which are licensed in Fairfax County by the Fire Marshal's Office.

3302.1. Definitions. Add the following definitions:

Approved: Approved by the County Fire Marshal's Office.

Retailer: Any persons selling fireworks or offering fireworks for sale at retail.

Wholesaler: A person, firm or corporation offering fireworks for sale or selling fireworks to a retailer. Such term also includes a manufacturer of fireworks, a representative of any such manufacturer, a distributor, a jobber and a middleman of any description dealing in fireworks, any of whom shall sell or offer to sell fireworks to a retailer within the County.

3303.3. Loss, theft or unauthorized removal. Insert the following before the first sentence: The Fairfax County Fire Marshal shall be immediately notified by telephone of the loss or theft of any explosives. The verbal notification shall be immediately followed by a letter to the Fire Marshal's Office giving complete details as to type, amounts manufacturer and all other relevant facts.

3303.4. Report of injuries or property damage. Delete and substitute: The Fire Marshal's Office shall be immediately notified of injuries to any person or damage to any property which results from the storage, transportation or use of explosives.

3303.8. Improper storage. Add the following subsection. If at any time Division 1.3G fireworks, explosives or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Fire Marshal's Office

who will take possession thereof for the purpose of safeguarding or disposal of such explosives.

3304.1. General. Insert the words "and transportation" to the first line after the word storage.

3304.1. General. Add the following: The storage of explosives and blasting agents and Division 1.3G fireworks is prohibited within the legal geographic boundaries of any district where such storage is prohibited by the Fire Marshal. Provided, however, this prohibition shall not apply to the temporary storage for use in connection with approved blasting operations, wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds (227 Kg) of explosive material. The overnight storage of explosives or blasting agents shall be prohibited in all zoning classifications except I-6 and then only under a Special Use Permit granted by the Board of Supervisors.

Exception: Storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA 1126.

3304.1.1. Enforcement. Add the following subsection: The Fairfax County Fire Marshal shall enforce the regulations contained herein pertaining to the intra-County transportation of explosives.

3304.1.2. Driver qualifications. Add the following subsection: Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use or under the influence of intoxicants, narcotics, illegal drugs, physically or mentally impairing prescription drugs or any other medications. Such drivers shall be familiar with state and County traffic regulations, and the provisions of this article governing the transportation of explosives and possess a valid drivers license and certified blasters license.

3304.2.1. Control in wholesale and retail stores. Add the following subsection: The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited.

3304.3. Magazines. Add the following at the end of the section "A Type I Magazine: shall be used for the overnight storage of explosives regardless of quantity."

Section 3308 Fireworks Display. Delete the second word of the title.

3308.1. General. Add the following at the end of the first sentence: The manufacture of fireworks is prohibited within the County. The display, sale, or discharge of fireworks shall comply with the requirements of this Chapter. This Chapter shall govern the design, construction, and use of model rockets.

3308.1.1. Unlawful activities. Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale or to buy, use, ignite or explode any fireworks.

3308.1.2. Permissible fireworks. The provisions of 3308.1.1 shall not apply to fireworks which have been approved by the Fire Marshal's Office. Such permissible fireworks shall have a hard-coated or slow-burning fuse at least 1.5 inches long with a burning rate of not less than 4 seconds. Such permissible fireworks shall be used only on private property with the approval of the owner. Any fireworks that explode or that emit flame or sparks to a distance greater than 12 feet or perform as a projectile or have a quick match fuse are prohibited. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. The sale of fireworks to minors shall be prohibited unless the minor is accompanied by a parent, legal guardian or responsible adult.

3308.2.1.1. Permit required for display of aerial fireworks. The Fire Marshal's Office may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1124, as listed in Chapter 45 of this Code. After such permit has been issued, sales of fireworks may be made for use under such permit and the association, organization, group or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

3308.2.3. Permit required for sale of fireworks. It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any fireworks within the County without a permit from the Fire Marshal's Office. This permit shall be valid for the period June 1 to July 15 of each year. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed. Retailing of fireworks

shall be done only from a fixed location. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites.

3308.11. Retail display and sale. Add section 3308.11 as follows: In addition to the restrictions set forth in section 3301.2.2, retail sales of permissible fireworks shall be only be conducted from approved fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner.

3308.11.1. Precautions. Add subsection 3308.11.1 as follows: Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the hazard. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

3308.11.2. Sales to minors. Add section 3308.11.2 as follows: The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

3308.11.3. Records to be kept by wholesaler and retailer. Each wholesaler shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all purchases of fireworks. The County Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer as they relate to the purchases and sales of fireworks within the County.

3308.12. Approval of permissible fireworks. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the County Fire Marshal for approval, at least 5 samples of each fireworks intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks so submitted. Said samples, specifications and chemical analysis shall be submitted to the Fire Marshal's Office no later than 90 days prior to the proposed sale date in the County. No wholesaler shall sell or deliver in the County any fireworks other than those so approved.

3308.13. Seizure and destruction of certain fireworks. Add section 3308.13 as follows: Any Fire Marshal or law enforcement officer encountering fireworks in violation of the Code shall seize such fireworks and shall hold such until final disposition of any criminal procedures related to the violation. If any person is found guilty of any violation of this Chapter, then the court shall order destruction of such articles upon expiration of the time allowed for appeal for such conviction.

3308.13.1. Criminal proceedings. Add subsection 3308.13.1 as follows: Where no criminal proceedings can be instituted due to lack of knowledge as to who owns or is responsible for the fireworks, the fireworks in question shall be destroyed after 30 days.

3402.1. Definitions. Add the following definition:

Subsurface structure: A subsurface structure shall include, but not be limited to, structures such as subway stations, railroad tunnels including rail rapid transit tunnels, and highway tunnels.

3402.11.2. Location. Add the following:

4. Underground storage tanks for Class I flammable liquids or Class II or III combustible liquids and related piping shall not be permitted directly over a subsurface structure, or within 25 feet measured horizontally from the outside wall of such subsurface structure. Underground storage tanks and related piping for Class I flammable liquids or Class II or III combustible liquids located in the area between 25 and 100 feet (measured horizontally from the outside wall of the subsurface structure), and where the tops of such tanks and piping are not 2 feet or more below the lowest point of excavation shall be installed in a cast-in-place, liquid tight, reinforced concrete vault; the walls, top and bottom of which are a minimum of 6 inches thick and large enough to hold and retain the entire contents of the tank. Access shall be provided in the vault top for inspection, monitoring and servicing of the vault and tank.

3402.11.2.1. Service stations in proximity of subsurface structures: Add Section 3402.11.2.1 as follows: Service stations dispensing Class I flammable liquids or Class II or III combustible liquids that are located within the distance of 25 to 100 feet (measured horizontally from the outside wall of a subsurface structure) shall comply with the following:

(i) Dispensing pumps for Class I flammable liquids, Class II or III combustible liquids shall not be located less than 25 feet from the nearest subsurface structure opening (measured from the pump to the nearest point of any subsurface structure opening).

(ii) The finished grade around pump islands and the surrounding surface shall be graded in a manner to divert possible spills away from any opening to any subsurface structure.

(iii) Appropriate continuous drains across driveway ramps, and/or curbs of at least 6 inches in height shall separate the service station properties from adjacent subsurface structure properties.

(iv) There shall be no connection (such as venting or drainage) between any storage tank or related piping for Class I flammable liquids or Class II or III combustible liquids and any subsurface structure.

3404.2.7.10. Leak reporting. Delete and substitute the following: Spills and leaks. Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak, or other

release of flammable or combustible liquids shall immediately report such spill, leak or release to the Fire Marshal and the Department of Public Safety Communications. The owner and the tenant or other person in control of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment and cleanup of the flammable or combustible liquid and containment of the vapors released from such a spill, leak or release to the satisfaction of the fire official and for the disposal of the waste. For the purposes of this subsection, the phrase "Person in Control" shall mean any firm, corporation, or person, even a person of low rank or authority, who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical or condition regulated by this code. A person in control includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant or other person.

3404.2.11.5.3. Testing. Add Section 3404.2.11.5.3 as follows:

(1) The owner or operator of all buried petroleum tanks installed after the effective date of this Code shall have provisions for taking direct measurement readings of content level by the stick method. Liquid level of storage tanks shall be measured by the owner or operator each day of operation and compared with pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for inspection by the fire official and/or his representative. Loss of product above normal evaporation (one percent of flow through plus 130 gallons) shall be reported immediately to the fire official. Records shall be retained for 2 years. This period may be extended upon order of the fire official. High liquid level gauges or alarm systems as well as pump cut-off devices shall be installed by the owner or the authorized operator in all petroleum storage tanks wherever in the judgment of the fire official there is a possibility that product may be lost by overflowing. These emergency devices shall be considered only as auxiliary and supplementary to the use of personnel engaged in a transfer or fill operation.

(2) When the operator's inventory records indicate a loss of product exceeding one percent of flow through plus 130 gallons, a test for tightness on the underground tank shall be performed in accordance with the standards set forth in NFPA Standard No. 329. The fire official shall order a test for tightness when in his judgment there is evidence of a loss of product. A test for tightness shall be conducted on all storage systems prior to change in ownership. Noncorrosive storage systems approved by Underwriters' Laboratories, Inc., and the Steel Tank Institute P-3 systems shall be tested for tightness at the end of their warranty period to standards set forth in NFPA No. 329. It shall be repeated at intervals no greater than 3 years. When a test for tightness is performed the following information must be kept on file at the facility until such time as another test is performed and shall be made available for inspection by the fire official or his representative upon request:

- (a) Commercial name of the test equipment.
- (b) The name of the testing company.
- (c) The name of the test operator.
- (d) The data accumulated by the test.
- (e) The results of the test as to whether or not the storage system is tight.

When leakage is indicated from a storage system during the test for tightness, the operator of the test must immediately report the test results to the fire official.

(3) All storage systems, except noncorrosive systems approved by Underwriters' Laboratories, Inc., and the Steel Tank Institute P-3 systems, which have been buried for 10 years or more at the effective date of this Code and storage systems for which no installation date can be determined, shall be tested for tightness in a manner approved by the fire official. This test shall be performed within 12 months after the effective date of this Code. It shall be repeated on all storage systems at intervals no greater than 3 years.

(4) Before each filling of existing petroleum storage tanks which have provisions for measurement of contents and petroleum storage tanks installed after the effective date of this Code, the liquid level shall be gauged and the measurement shall be recorded in writing. The gauging records shall be retained for 2 years and made available to the fire official upon demand.

3404.2.13.1.4. Tanks abandoned in place. Delete exception to #3.

3406.4.6.1. Safety attendant. Add new subsection as follows:

(a) Each bulk plant and terminal, as defined in NFPA 30, shall have a designated trained and competent safety attendant present on-site and on-duty at all times when flammable or combustible liquids are received, transferred, dispensed or loaded from a pipeline, tank, container, vehicle or other vessel. Individuals receiving, transferring, dispensing or loading such liquids to or from tank vehicles shall not be designated as safety attendants.

(b) The safety attendant shall observe and monitor the receipt, transfer, dispensing and loading of such liquids.

(c) The safety attendant shall assure compliance with all federal, state and local laws, ordinances and safety requirements including, but not limited to, the approved emergency plan of the plant or terminal. The safety attendant shall be knowledgeable about such laws, ordinances, requirements and plan, including such requirements concerning fire safety, emergency response and spill or leak notification.

(d) The safety attendant shall be familiar with the location and operation of all pump controls, emergency shutoff devices, and other safety equipment, and shall be responsible for using such equipment to detect, prevent, and abate, or cause to be abated, any emergency situation.

(e) At all times while on duty, the safety attendant shall be mentally and physically capable of immediately:

(1) Taking all necessary, appropriate and required action to detect and prevent a fire, explosion, spill or leak;

(2) Taking all necessary, appropriate and required action in the event of a fire, explosion, spill or leak; and

(3) Performing the functions and assuming the responsibilities required by this section.

3406.6.1.5. Overfill protection. Insert the following at the beginning of the subsection: The driver, operator or attendant of any tank vehicle shall take all necessary precautions to prevent the overflow of any tank into which it is discharging flammable or combustible liquids, before he discharges any liquid from such tank vehicle.

3406.6.1.9. Smoking. Add the following at the end of the subsection: It shall be unlawful for any driver, operator, attendant or passenger to smoke in, on or around any tank vehicle which hauls any flammable or combustible liquid. It shall be unlawful to load or unload wherever there is smoking, lighting of matches, or other flame or spark-producing devices or the carrying of any flame or lighted cigar, pipe or cigarette.

3811.2. Unattended parking. Delete the exception.

IFC Chapter 45 Referenced Standards. Add the following standards:

Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases, 329, 2005 Edition

Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 96, 2004 Edition



Fairfax County is committed to a policy of nondiscrimination in all county programs, services and activities and will provide this document in alternative formats and in different languages upon request. Please call 703-246-4753, TTY 703-385-4419 or write: Office of the Fire Marshal, Fire Prevention Division, 4100 Chain Bridge Road, Fairfax, VA 22030. Please allow at least seven working days for preparation of material.